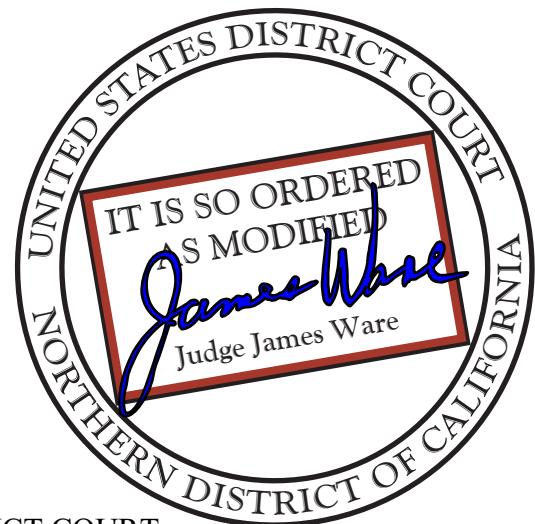


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18



10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 SHASTA STRATEGIC INVESTMENT) Case No. C-04-4264-JW
14 FUND, LLC; AND PRESIDIO GROWTH) Related to Case Nos. C-04-4309-JW, C-04-
15 LLC (Tax Matters Partner),) 4310-JW, C-04-4398-JW, C-04-4399-JW, C-
16 Petitioners,) 04-4964-JW, C-05-1123-JW, C-05-2835-JW,
17 v.) and C-05-3887-JW
18 UNITED STATES OF AMERICA,)
19 Respondent.)
20)

**STIPULATION AND PROPOSED
ORDER EXTENDING DEADLINES**

21 Pursuant to Civil Local Rule 6-2, Respondent requests an extension of deadlines contained in
22 the Court's July 6, 2011 Order Vacating Case Management Conference; Setting Schedule (Dkt. No.
23 127)^{1/}. Petitioners have agreed not to object to Respondent's request on the condition that discovery
24
25

26 _____
27 ^{1/} Unless otherwise noted, all docket references are to the lead case, *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-4264 (N.D. Cal.).

1 will not be interrupted or delayed by this extension. In support of this request Respondent submits
 2 the following:

3 1. The Court's July 6, 2011 Order established the following deadlines and court dates:

5 Disclosure of Expert Witnesses 6 (63 days prior to close of discovery)	November 14, 2011 ^{2/}
7 Disclosure of Rebuttal Experts 8 (49 days prior to close of discovery)	November 25, 2011
9 Preliminary Pretrial Conference Statements 10 (10 days before Preliminary Pretrial Conference)	December 2, 2011
11 Preliminary Pretrial Conference 12 (app. 30 days before the close of discovery)	December 12, 2011
13 Last Date for Hearing Motions to Exclude Expert Testimony 14 (42 days after both expert and rebuttal expert disclosures on a 15 Monday)	December 19, 2011 ^{3/}
16 Close of All Discovery	January 13, 2012
17 Last Date for Hearing Dispositive Motions 18 (appr. 60 days after close of discovery)	March 12, 2012

16 Dkt. No. 127.

17 2. Lead counsel for the United States, Stuart Gibson, is also lead counsel for the
 18 Government in *V.I. Derivatives, LLC v. United States*, Case No. 3:06-cv-00012 (V.I.) and *VIFX*,
 19 *LLC, v. United States*, Case No. 3:06-cv-00013 (V.I.). Decl. of Stuart Gibson, attached hereto, at ¶
 20 2. These cases will be tried in the Virgin Islands beginning on December 12, 2011, the date currently
 21 23

24

^{2/} Sixty-three days prior to the close of discovery falls on November 11, 2011, a federal and court
 25 holiday. Therefore, pursuant to Fed. R. Civ. P. 6(a), the deadline is on Monday, November 14, the next
 26 day that is not a Saturday, Sunday or legal holiday.

27 ^{3/} The Court's July 6, 2011 Order requires such motions be heard on a Monday, no later than 42
 28 days after expert and rebuttal expert disclosures. Forty-two days after rebuttal expert disclosures is
 29 Friday, January 6, 2012. However, the two proceeding Mondays—January 2, 2012, and December 26,
 30 2011—are both federal and court holidays. Therefore, the last hearing date within this time frame is
 31 December 19, 2011.

1 set for the Preliminary Pretrial Conference in this matter. *Id.* at ¶ 3. The Court in these cases has
 2 made it clear that the trial date will not be moved. *Id.* at ¶ 4.
 3

4 3. Counsel for the United States, Adair Boroughs, is currently more than seven months
 5 pregnant and will be on maternity leave from approximately early November 2011 until late January
 6 2012. Decl. of Adair Boroughs, attached hereto, at ¶ 2. Her doctor has recommended that she not
 7 fly during October 2011, the last month of her pregnancy. *Id.* at ¶ 3.
 8

9 4. Respondent requests that the deadlines and Court dates contained in the Court's July
 10 6, 2011 Order be extended by approximately four months, resulting in the following schedule:
 11

Disclosure of Expert Witnesses (63 days prior to close of discovery)	March 12, 2012
Disclosure of Rebuttal Experts (49 days prior to close of discovery)	March 26, 2012
Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	April 6, 2012
Preliminary Pretrial Conference (app. 30 days before the close of discovery)	April 16, 2012
Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	May 7, 2011 2012
Close of All Discovery	May 14, 2012
Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	July 16, 2012

22 5. Respondent has agreed that its request will not be used to delay discovery in any
 23 fashion, and that the parties may conduct discovery under the Federal Rules of Civil Procedure at any
 24 time during the discovery period.
 25
 26
 27
 28

Previous Time Modifications

2 6. This Court previously granted stipulated requests to extend time to file answers in
3 some of these related cases. *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-
4 4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*, Case
5 No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v. United*
6 *States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment Fund, LLC v.*
7 *United States*, Case No. 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment Fund,*
8 *LLC v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic Investment Fund,*
9 *LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10,13.

12 7. This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to
13 Compel 30(b)(6) Deposition. Dkt. No. 48.

8. This Court granted Respondent's motion to stay these related cases on November 7,
9 2005, due to parallel criminal proceedings. Dkt. No. 95. This Court granted a subsequent motion to
10 stay these related cases on October 2, 2006. Dkt. No. 103. This Court lifted the stay on June 9,
11 2011. Dkt. No. 124.

19 9. This Court previously granted a stipulated request to enlarge time for briefing in
20 response to Respondent's Motion for Summary Judgment in *Princeton Strategic Investment Fund,*
21 *LLC v. United States*, Case No. 04-4310 (N.D. Cal.). *Princeton*, Dkt. No. 37.
22

Effect on the Schedule for the Case

24 10. The requested extension would extend all deadlines in the case by approximately four
25 months.

1 NOW, THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to an
 2 order of the Court that the deadlines and Court dates contained in the Court's July 6, 2011 Order be
 3 extended by approximately four months, resulting in the following schedule:
 4

5 Disclosure of Expert Witnesses (63 days prior to close of discovery)	March 12, 2012
6 Disclosure of Rebuttal Experts (49 days prior to close of discovery)	March 26, 2012
7 Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	April 6, 2012
8 Preliminary Pretrial Conference (app. 30 days before the close of discovery)	April 16, 2012
9 Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	May 7, 2011 2012
10 Close of All Discovery	May 14, 2012
11 Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	July 16 9, 2012

16 Dated: September 23, 2011

17 Respectfully submitted

18 /s/ Steven M. Bauer
19 STEVEN M. BAUER
Latham & Watkins
20 Attorney for Petitioners

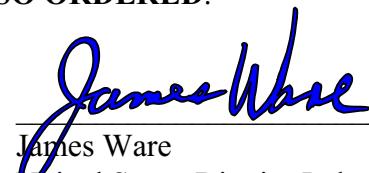
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Tax Division, Department of Justice
Attorney for Respondent

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22 WILLIAM E. TAGGART, JR.
23 Attorney for Intervenors
Adkison, McNair, and Salmon Ventures

/s/ Martin A. Schainbaum
MARTIN A. SCHAINBAUM
Attorney for Intervenors
Soward/Voltaire and Gonzales/Birch

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: September 28, 2011


27 James Ware
28 United States District Judge

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing **STIPULATION AND PROPOSED ORDER EXTENDING DEADLINES**, along with the attached Declarations of Stuart Gibson and Adair Boroughs, has been made this 23rd day of September 2011, upon the following by ECF:

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10 Attorney for Intervenor Peter Adkison

11
12 /s/ Adair F. Boroughs

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14 Trial Attorney, Tax Division

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